

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LINDSEY FINSTER, individually and on)
 behalf of all others similarly situated)
)
 Plaintiff,) Case No. 6:22-cv-01187-GLS-ML
) Honorable Gary L. Sharpe
 vs.)
) NOTICE OF MOTION TO DISMISS
 SEPHORA USA, INC.,) PLAINTIFF’S COMPLAINT
) PURSUANT TO RULE 12(b)(6)
 Defendant.)

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, defendant Sephora USA, Inc., moves before the Honorable Gary L. Sharpe, at 445 Broadway, Room 441, Albany, NY 12207, for an Order: (1) dismissing the complaint (Dkt. #1) and this action in its entirety, with prejudice, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and (2) granting such other relief as this Court deems proper.

Dated: February 2, 2023

Respectfully submitted,
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Attorneys for Defendant Sephora USA Inc.

CERTIFICATE OF SERVICE

I, Jonathan D. Lupkin, an attorney admitted to practice before this court, hereby certifies that on February 2, 2023, I caused the foregoing Notice of Motion to Dismiss Plaintiffs' Complaint Pursuant to Rule 12(b)(6) to be served on counsel of record in this case by filing the document via ECF on the electronic docket of this case.

Dated: February 2, 2023

/s/Jonathan D. Lupkin
Jonathan D. Lupkin